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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,910	02/08/2002	Satoru Kawahara	020591	9398

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EXAMINER

PATTERSON, MARC A

ART UNIT PAPER NUMBER

1772

DATE MAILED: 12/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/068,910

Applicant(s)

KAWAHARA ET AL.

Examiner

Marc A Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### WITHDRAWN REJECTIONS

1. The 35 U.S.C. 112 second paragraph rejection of Claims 1 – 9, of record on page 2 of the previous Action, is withdrawn.

The 35 U.S.C. 102(b) rejection of Claims 1 – 20 as being anticipated by Kameyama et al (U.S. Patent No. 6,088,079), of record on page 3 of the previous Action, is withdrawn.

### NEW REJECTIONS

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kameyama et al (U.S. Patent No. 6,088,079) in view of Nakajima et al (Japanese Patent No. 09113727).

With regard to Claims 1 – 3 and 17 – 20, Kameyama et al discloses an optical film (layer comprising an optical element; column 14, lines 9 – 29) comprising a polarizing film having a protective layer on at least one side of a polarizer (column 11, lines 15 – 29) and a brightness enhancement film laminated to the polarizing film (a Grandjean structured liquid crystal polymer layer having a circular polarization separating function, therefore a reflecting and polarization separating function; column 4, lines 58 – 67); Kameyama et al fail to disclose the property of having a flexural rigidity such that when the film is subjected to a test in which the film is cut

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into a 25 mm by 150 mm strip shape and bent so that both ends of the film approach each other and the distance between both ends is 50 mm, a force of 0.163 N or less applied to the film.

Nakajima et al teach that it is well – known in the art to adjust the thickness and Young's modulus of an optical film to obtain a desired flexural rigidity (paragraphs 0014 – 0015, English translation) for the purpose of obtaining a film having the desired flexibility (paragraph 0015, English translation). The desirability of adjusting the flexural rigidity of Kameyama et al, which is an optical film, would therefore be obvious to one of ordinary skill in the art.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for the adjustment of flexural rigidity in Kameyama et al, in order to obtain a film having desired flexibility as taught by Nakajima et al. Therefore, the flexural rigidity would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end use of the product. It therefore would be obvious for one of ordinary skill in the art to vary the flexural rigidity, since the flexural rigidity would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Kameyama et al, in the absence of unexpected results. *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

With regard to Claim 4, the brightness enhancement film has a circular polarizing separating function as discussed above and therefore has a linear polarizing separating function.

With regard to Claim 5, the polarizing film and brightness enhancement film are laminated by an adhesive layer (column 14, lines 30 – 40).

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With regard to Claim 6, the liquid crystal polymer layer is supported on a layer of cellulose based – film (therefore a disposed on a protective layer of the film; column 5, lines 25 – 42).

With regard to Claim 7, the thickness of the protective layer of the polarizing film and brightness enhancement film are 50  $\mu\text{m}$  or less (column 5, lines 63 – 66; column 11, lines 45 – 59).

With regard to Claim 8, the film further comprises a retardation film (column 10, lines 54 – 62) and viewing angle enlarging film (the use of a multilayer structure increases viewing angle; column 5, lines 63 – 67; column 6, lines 1 – 13).

With regard to Claims 9 – 16, the optical film is comprised in a liquid crystal display comprising a liquid crystal cell. (column 2, lines 27 – 29).

#### ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant's arguments regarding the 35 U.S.C. 112 second paragraph rejection of Claims 1 – 9 and 35 U.S.C. 102(b) rejection of Claims 1 – 20 as being anticipated by Kameyama et al (U.S. Patent No. 6,088,079), of record in the previous Action, have been considered and have been found to be persuasive. The rejections are therefore withdrawn. The new 35 U.S.C. 103(a) rejection of Claims 1 – 20 as being unpatentable over Kameyama et al (U.S. Patent No. 6,088,079) in view of Nakajima et al (Japanese Patent No. 09113727) above are directed to amended Claims 1 – 20.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

*Marc Patterson*  
Art Unit 1772

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

*12/22/03*